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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE: INSURANCE BROKERAGE	:	MDL No. 1663
ANTITRUST LITIGATION	:	
	:	No. 2:04-cv-05184-CCC-JAD
APPLIES TO ALL ACTIONS	:	
	:	Hon. Claire C. Cecchi
	:	
	:	Hon. Joseph A. Dickson
	:	

**THE CHUBB DEFENDANTS' OPPOSITION TO  
RSR CORPORATION'S MOTION FOR LEAVE TO INTERVENE  
TO OBTAIN ORDER INTERPRETING AND/OR MODIFYING PROTECTIVE ORDER**

RSR Corporation ("RSR") has filed a Motion for Leave to Intervene to Obtain Order Interpreting and/or Modifying Protective Order ("Motion") in order to obtain deposition transcripts, interrogatory responses, and expert reports produced in connection with the Sears Tag Along and MDL Cases. The Chubb Defendants<sup>1</sup> respectfully object to RSR's Motion to the extent it relates to documents the Chubb Defendants designated Confidential or Attorney's Eyes Only under this Court's Protective Order.

RSR seeks to obtain documents from the Sears Tag Along and MDL Cases as part of its discovery in *RSR Corporation v. American International Group, Inc.* ("Texas Action"), a case pending in state court in Texas. The Chubb Defendants have never been parties in the Texas

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<sup>1</sup> The Chubb Defendants include The Chubb Corporation, Federal Insurance Company, Executive Risk Indemnity Inc., and Vigilant Insurance Company. All claims against the Chubb Defendants in the class action and tag-along actions consolidated in this MDL have been dismissed with prejudice, and the Chubb Defendants are no longer defendants in these matters.

Action, and there are no allegations about the Chubb Defendants in the operative complaint in that Action. Further, RSR has not identified any basis for believing that documents the Chubb Defendants designated Confidential or Attorney's Eyes Only in the Sears Tag Along and MDL Cases are relevant to the issues in Texas Action. Instead, RSR appears to be engaged in a proverbial fishing expedition. It should not be allowed to do so. RSR chose to file its complaint in state court and limited its claims to state law causes of action, presumably to avoid having its case consolidated with this MDL. Having made that choice, RSR should be permitted access to confidential information that the Chubb Defendants – who were never involved in the Texas Action and who are no longer defendants in any of the MDL actions – provided in this MDL under the protections of this Court's Protective Order.

For all these reasons, and the reasons stated in Aon's letter response [Doc. 2634] to RSR's Motion, which the Chubb Defendants incorporate by reference, the Chubb Defendants respectfully request that the Court deny RSR's Motion to the extent it relates to documents the Chubb Defendants designated Confidential or Attorney's Eyes Only.

Dated: May 19, 2014

Respectfully submitted,

HOGAN LOVELLS US LLP  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of May, 2014, a true and correct copy of the foregoing document was served by this Court's Electronic Case Filing system and by electronic mail on all counsel of record pursuant to agreement.

/s/ Peter R. Bisio